

SENATE No. 40

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act concerning foster youth who remain in the care of the Department of Children and Families after they attain eighteen years of age.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	Worcester and Middlesex
Susan C. Tucker	Second Essex and Middlesex
Ellen Story	3rd Hampshire
John D. Keenan	7th Essex
Martha M. Walz	8th Suffolk
Elizabeth Poirier	14th Bristol
Robert A. O'Leary	Cape and Islands
Jennifer M. Callahan	18th Worcester
Karen E. Spilka	Second Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Thomas P. Conroy	13th Middlesex
Cynthia Stone Creem	First Middlesex and Norfolk
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT CONCERNING FOSTER YOUTH WHO REMAIN IN THE CARE OF THE DEPARTMENT OF CHILDREN AND FAMILIES AFTER THEY ATTAIN EIGHTEEN YEARS OF AGE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 *Whereas*, there exists in the Commonwealth a continuing need to provide support and care to
2 foster youth between the ages of eighteen and twenty-two in order to ensure their successful entry into
3 adulthood; and

4 *Whereas*, the Federal Government gave states the option of seeking federal reimbursement to
5 assist in supporting this population in the Fostering Connections to Success and Increasing Adoptions Act
6 of 2008; and

7 *Whereas*, in order to qualify for these federal funds certain technical amendments must be made
8 to the General Laws;

9 *Now, be it enacted by the Senate and House of Representatives in General Court assembled, and by the
10 authority of the same, as follows:*

11 SECTION 1. Section 23 of chapter 119 of the General Laws, as most recently amended by
12 chapter 176 of the acts of 2008, is hereby amended by striking out subsection (f) and inserting in place
13 thereof the following subsection:-

14 (f) Notwithstanding anything in section 26 of this chapter to the contrary, the department shall continue
15 its responsibility as provided in this section for any person who has attained the age of 18 and is under 22
16 years of age and who is (1) completing secondary education or a program leading to an equivalent
17 credential; (2) enrolled in an institution which provides post-secondary or vocational education; (3)

18 participating in a program or activity designed to promote, or to remove barriers to, employment; (4)
19 employed at least 80 hours per month; or (5) incapable of doing any of the activities described in
20 subclauses (1) through (4) due to a medical condition, which incapability is supported by regularly updated
21 information in the case plan of the child, provided, however, that the department's continued
22 responsibility for persons who have attained the age of 18 is contingent upon the express written consent
23 of the person.

24 Notwithstanding any other provision of law, the juvenile court shall retain jurisdiction under this chapter
25 for persons in the continued care of the department pursuant to this subsection, including for the purpose
26 of permanency reviews as set forth in section 29B of this chapter.

27 If a child elects to leave the care of the department when he or she attains the age of 18, then during the
28 90-day period immediately prior to the date on which a child will attain 18 years of age, whether during
29 that period foster care maintenance payments are being made on the child's behalf or the child is
30 receiving benefits or services under section 477 of the Social Security Act (42 U.S.C. § 677), the
31 department shall provide the child with assistance and support in developing a transition plan that is
32 personalized at the direction of the child, includes specific options on housing, health insurance,
33 education, local opportunities for mentors and continuing support services, and work force supports and
34 employment services, and is as detailed as the child may elect. The juvenile court shall retain jurisdiction
35 until it finds, after a hearing at which the child is present, that a satisfactory transition plan has been
36 provided for the child.

37 If a child remains under the care of the department upon attaining the age of 18 as provided in this
38 subsection, then during the 90-day period immediately prior to the date on which the child leaves the care
39 of the department, or the child's 22nd birthday, whichever comes first, the department shall provide the
40 child with assistance and support in developing a transition plan that is personalized at the direction of the
41 child, includes specific options on housing, health insurance, education, local opportunities for mentors

42 and continuing support services, and work force supports and employment services, and is as detailed as
43 the child may elect. The juvenile court shall retain jurisdiction until it finds, after a hearing at which the
44 child is present, that a satisfactory transition plan has been provided for the child.

45 If a person who has attained the age of 18 leaves the care of the department but requests, before reaching
46 the age of 22, that the department re-open the person's case, the department shall make every reasonable
47 attempt to provide a program of support which is acceptable to the person and which permits the
48 department to renew its responsibility.

49 Nothing in this subsection shall be construed to provide legal custody of a person who has attained the
50 age of 18 to the department or to otherwise abrogate any other rights that a person who has attained the
51 age of 18 may have under law by dint of their age.

52 The department shall report annually to the child advocate, chairs of the joint committee on children,
53 families and persons with disabilities and the senate and house committees on ways and means on the
54 numbers of persons it serves and declines to serve under this subsection.

55 SECTION 2. This act shall take effect on October 1, 2010.